

BILL NO. 2007-46

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A SEWER SERVICE SURCHARGE IN SUPPORT OF THE CITY'S FINANCIAL OBLIGATION AS A MEMBER OF THE CLEAN WATER COALITION, AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Mark Vincent, Director
Department of Finance and Business Services

Summary: Establishes a sewer service surcharge in support of the City's financial obligation as a member of the Clean Water Coalition.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 14, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.010: Except where the context otherwise requires, as used in this Chapter the following words, terms and phrases shall have the meanings indicated as follows:

"Accessory structure (Class I)" means an accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.

"Apartment house" means a structure which contains three or more rental dwelling units on the same lot or parcel and which does not qualify under another customer class as defined in this Section. The term includes an assisted living apartment, as defined in Section 19.20.020, but does not include a convalescent care facility or senior apartment house.

"Barbershop" means an establishment in which the practice of barbering is engaged in or carried on.

"Beauty shop" means an establishment in which any of the branches of cosmetology is practiced.

"Billing charge" means that portion of the user charge associated directly with the cost of preparing a user's bill and which is the same for each user; i.e., sewer user account.

"Casino" means a place which is not a part of a hotel where games of chance or gambling devices are made available for play by the public.

"Child care center" means a commercial establishment which regularly provides day or overnight care for more than twelve children.

1 “Church” means a structure primarily used for activities sponsored by a religious organization.

2 “Cinema theater” means a cinemaplex, multiplex theater, or other structure whose main function is
3 to screen movies.

4 “Clean Water Coalition” or “CWC” means an agency established and empowered by an interlocal
5 agreement among the City of Las Vegas, City of North Las Vegas, City of Henderson and Clark
6 County Water Reclamation District (four entities responsible for wastewater treatment), to construct
7 and operate a regional Systems Conveyance and Operations Program (SCOP) in order to assure a
8 certain level of water quality at the Las Vegas Wash and Lake Mead.

9 “Clinic” means an establishment for the administration of professional chiropractic, dental, medical
10 or veterinarian care on an out-patient basis, including the individual office of any such practitioner.

11 “Commodity charge” means that portion of the user charge associated directly with wastewater
12 collection and treatment and which is calculated for a user by multiplying the ERU rate for that user’s
13 customer class by the number of ERUs assigned to that customer.

14 “Community center” means a facility which is operated in connection with and incidental to a private
15 multi-family or planned residential development and which provides community activities for
16 residents of the development.

17 “Condominium” means a multiple-family dwelling in which each dwelling unit is owned individually,
18 while other elements of the land and facilities are owned in common with other unit owners.

19 “Convalescent care facility/nursing home” means a building that is used, or designed or intended to
20 be used to provide care for persons who have a chronic physical or mental illness or infirmity. The
21 term includes a rest home but does not include an apartment house, hospital or special care facility.

22 “Custodial institution” means a facility which is used for the housing or detention of persons who have
23 been charged with or convicted of crimes. The term includes any prison, jail, detention facility.

24 “Customer” means the owner of real property who is responsible for the payment of sewer service
25 charges assessed to the property.

26 “Day spa” means a facility in which multiple services in cosmetology, massage, acupressure and
27 reflexology are offered to the public. The facility may include without limitation such related
28 operations as the sale of beauty products and boutique items; tanning booths; permanent makeup; and

1 eating establishments.

2 “Duplex” means a building containing two attached dwelling units which are separated from each
3 other by an unpierced wall extending from ground to roof, with both units located on the same lot or
4 parcel.

5 “Dwelling unit” means one or more rooms located within a structure and occupied or intended for
6 occupancy as separate living quarters for a single family, with cooking, sleeping and sanitary facilities
7 provided within the dwelling unit.

8 “Equivalent residential unit” or “ERU” means the average amount of wastewater discharged by a
9 single-family dwelling, which has been determined to be ninety thousand gallons per year.

10 “Family” means one or more persons customarily living together and occupying a single dwelling unit.

11 “Financial institution” means a bank, credit union, savings and loan association, debt adjustment
12 company, loan company, mortgage company, thrift company or trust company.

13 “Fixture” means a device which is connected to the hot or cold water supply system or both and which
14 is connected to the wastewater collection system of the City* and includes but is not limited to the
15 following:

16 (1) Bathtub (with or without overhead shower). Each bathtub is a separate fixture;

17 (2) Bidet (standard bathroom fixture);

18 (3) Car wash:

19 (a) Each bay of a coin-operated car wash is a fixture,

20 (b) Each water source arch of a drive- or tow-through car wash is a fixture. (Water source
21 arches using recycled water are not considered fixtures);

22 (4) Commode (toilet or water closet);

23 (5) Cooking utensil with supply and drain (built-in pot or cooking pan that has an adjacent water
24 source exclusively for filling or washing the utensil, which water is immediately or at some future
25 time, dumped into a drain, directly from said utensil). Each utensil is a separate fixture;

26 (6) Dental cuspidor (bowl hinged to dental chair used by patients when removing fluids from their
27 mouth). Each bowl is a separate fixture;

28 (7) Dipwell (receptacle with a water source and drain used primarily to rinse ice cream scoops or

- 1 other utensils). Each receptacle is a separate fixture.
- 2 (8) Drinking fountain. Each water outlet on a drinking fountain unit is a separate fixture;
- 3 (9) Dishwasher (domestic or commercial). Each dishwasher is a separate fixture;
- 4 (10) Fruit and vegetable sprayer (nozzle spray equipment attached to a length of hose for manual
5 use or an automated nozzle spray system). Each manually operated nozzle and each automated nozzle
6 spray system is a separate fixture;
- 7 (11) Glass fill (fountain device used to fill glasses with drinking water). Each device is a separate
8 fixture;
- 9 (12) Shower stall (stand-up shower enclosure);
- 10 (13) Group shower (a shower room or enclosure with multiple shower heads and one or more
11 drains). Each shower head is a separate fixture;
- 12 (14) Sinks:
- 13 (a) Bar sink. Each water outlet of a bar sink, whether the sink has single or multiple
14 sections, is a separate fixture,
- 15 (b) Barber sink. Each sink is a separate fixture,
- 16 (c) Beauty parlor or hair wash sinks. Each sink is a separate fixture,
- 17 (d) Kitchen utility sink (any sink in a restaurant kitchen used for the preparation of food
18 or for washing dishes). Each sink is a separate fixture,
- 19 (e) Laundry sink (a square, high-sided sink with one or more sections; also referred to as
20 a mop sink). Each water outlet of the laundry sink is a separate fixture,
- 21 (f) Lavatory (a fixed bowl or basin with running water and drainage for washing). Each
22 lavatory is a separate fixture,
- 23 (g) Mop sink (a square, high-sided sink with one or more sections; also referred to as a
24 laundry sink). Each water outlet on a mop sink is a separate fixture,
- 25 (h) Wash sink (a restroom fixture designed to accommodate several persons washing at
26 the same time with one or more water outlets). Each water outlet on a wash sink is a separate fixture;
- 27 (15) Steam table with water supply and drain is one fixture. A steam table equipped with a built-in
28 sink in addition to having an independent source of water and drain is deemed to have two separate

1 fixtures;

2 (16) Urinal:

3 (a) Each urinal designed for solo usage is a separate fixture,

4 (b) Every two feet of a trough style urinal is a separate fixture;

5 (17) Washing machine. Each machine, regardless of size, is a separate fixture;

6 (18) Water supply outlet with drain (any water source that is used in conjunction with a drain that
7 is not specifically designated in this Section; for example, hose bib and wash rack or water tank
8 system). Each water outlet or water tank is a separate fixture;

9 (19) Whirlpool therapy. Each item of therapy equipment that is provided with a water source and
10 a drain is a separate fixture;

11 (20) X-ray machine with water supply and drain. Each machine connected to a source of water and
12 drain is a separate fixture.

13 “Halfway house” means a residential facility that is operated on a dwelling-unit basis and that provides
14 housing, training, or rehabilitation to persons who are:

15 (1) On probation or parole after having been convicted of a criminal offense; or

16 (2) Recovering from alcohol or drug abuse.

17 The term does not include a custodial institution or a facility that provides treatment for alcohol or
18 drug abuse.

19 “High strength users” means a customer class discharging on the average, five-day biochemical
20 oxygen demand strengths greater than three hundred milligrams per liter or suspended solids strengths
21 greater than three hundred fifty milligrams per liter.

22 “Hospital” or “general hospital” means an institution, generally designed with an integrated campus
23 setting, for the diagnosis, care and treatment of human illness, including surgery and primary
24 treatment. The term includes a “general hospital” designated as such pursuant to NRS 449.021 and
25 NAC 449.285, but does not include a “specialty hospital”.

26 “Large commercial” means an establishment of single ownership or operation which uses more than
27 five million gallons of water per year and does not otherwise fall under any of the other user
28 classifications.

1 “Laundromat” means a commercial establishment equipped with washing machines and dryers
2 designed for customer operation.

3 “Laundry” means:

4 (1) A business establishment where members of the general public may take, upon payment of
5 compensation, clothing, linens and fabrics to be washed; or

6 (2) A separate facility within a business establishment utilized to wash clothing, linens and fabrics
7 used in the business operations of said business establishment.

8 “Maintenance, renovation and repair shop” means an establishment the function of which is to
9 maintain, renovate or repair, or any combination thereof, of appliances, equipment, furniture or motor
10 vehicles, excluding the display or sale of new or used merchandise other than that which is
11 incorporated into the article which is so maintained, renovated or repaired.

12 “Mixed use operations” means two or more business operations that normally would not be considered
13 to be in the same consumer class and are being conducted within the same building, are not completely
14 separated by walls, and do not have separate entrances to each business operation. Sharing of fixtures
15 by more than one business operation may or may not occur.

16 “Mobile home residential estate” and/or “mobile home park” means a place which is used or intended
17 for use to park two or more trailers for occupancy as living quarters for human beings for thirty days
18 or more.

19 “Motel/hotel/rooming house” means a structure containing two or more rooms wherein:

20 (1) Sleeping accommodations are provided in guest rooms at daily rates to tourist or transient
21 guest; and

22 (2) No provision is made in any guest room for cooking food.

23 “Motor vehicle sales” means a facility or area used for the display and sale of automobiles, trucks,
24 motorcycles or motor scooters. The term includes service bay and body shop operations which are
25 incidental and accessory to the sales use.

26 “Multiple-family dwelling” means a structure which contains two or more attached dwelling units,
27 each of which is located on a separate lot or elements of which are separately or individually owned.

28 The term includes townhouse structures.

1 “Nightclub” includes a teenage nightclub, adult nightclub and erotic dance establishment, as those
2 terms are defined in Title 6.

3 “Office” means an establishment in which the occupation or employment which is conducted therein
4 involves predominantly mental or intellectual, rather than physical or manual, labor and skill and in
5 which there is no display of stock or wares, no commodity sold and no commercial use conducted
6 other than the services which are offered.

7 “Park or playground” means a park, playground, reservoir or athletic field, whether owned, operated
8 or maintained by a private or public person or entity.

9 “Private club” means a nonprofit organization of members for the promotion of some common object
10 which is operated solely for the benefit and use of its members and their guests and is controlled
11 exclusively by its members.

12 “Recreational vehicle park” means a place which is used or intended for use to park two or more
13 trailers for occupancy as living quarters for human beings for less than thirty days.

14 “Residence hotel” means a complex of multiple dwelling units used or designed for extended-stay
15 lodging or long-term occupancy, in which:

16 (1) The dwelling units consist of efficiency units or suites with a complete kitchen;

17 (2) Customary hotel services are provided, such as linen service, maid service, telephone service
18 and furniture upkeep; and

19 (3) Additional resident/guest amenities may be provided, including meeting rooms, club house
20 facilities or recreational facilities.

21 “Resort hotel” means a building or a group of buildings which are designed and integrated to clearly
22 demonstrate the appearance of one facility wherein:

23 (1) Sleeping accommodations are provided in guestrooms at daily rates to tourists or transient
24 guests;

25 (2) No provision is made for cooking food in any guestroom, except as permitted by the provisions
26 of LVMC Title 6, Chapter 40;

27 (3) There is a gaming area within the building or group of buildings;

28 (4) There are more than two hundred guestrooms available for sleeping accommodations;

1 (5) There is integrated into the facility near the area where licensed games are provided at least
2 one restaurant with permanent seating capacity for more than sixty patrons that is open to the public
3 twenty-four hours each day and seven days each week;

4 (6) There is a lobby near the restaurant and licensed games for the guests to check in and out and
5 receive messages; and

6 (7) There is at least one bar with permanent seating capacity for more than thirty patrons that
7 serves alcoholic beverages sold by the drink for consumption on the premises.

8 "Restaurant" means a place which is not part of a resort hotel or a motel/hotel where food is prepared
9 and served primarily for consumption on the premises. For purposes of this Chapter, the term includes
10 a supper club, coffeehouse, café, cafeteria or any dining establishment that provides or allows
11 self-service in connection with the consumption of food.

12 "School" means an establishment, whether public or private, in which is offered a full-time academic,
13 vocational or technical course of study or other educational services, whether elementary, secondary,
14 or post-secondary.

15 "Senior apartment house" means a structure which contains three or more rental dwelling units on the
16 same lot or parcel, in which all the units:

17 (1) Have an average interior square footage of eight hundred twenty-five square feet or less;

18 (2) Are intended and used exclusively for occupancy by persons fifty-five years of age or older;
19 and

20 (3) Are limited to one or two occupant each.

21 "Service establishment" means an establishment the principal activity of which is to furnish service
22 to the consuming public, excluding establishments which are subject to Chapter 14.17 of this Code,
23 manufacturing, processing and dry-cleaning plants, laundries, and maintenance, renovating and repair
24 shops.

25 "Single-family dwelling" means a dwelling unit which is located on a separate lot or elements of
26 which are individually owned, whether or not the dwelling unit is attached to one or more other
27 dwelling units. The term includes any dwelling which is used secondarily as a child care facility,
28 either as a family home or a group home.

1 “Special care facility” means a facility used exclusively for one or more of the following:

2 (1) The treatment of alcohol or drug dependency; or

3 (2) The housing and care of persons with a physical or mental illness that requires them to be
4 confined in an institutional facility.

5 “Specialty hospital” means a facility that is licensed pursuant to NRS Chapter 449 to provide medical,
6 surgical, obstetrical or psychiatric services, or a combination thereof. The term does not include a
7 “general hospital”.

8 “Sports complex” means an establishment which exceeds a spectator capacity of five thousand people
9 used for athletic events, including but not limited to baseball, basketball, soccer, rodeos and track and
10 field events.

11 “Take-out restaurant” means a place which is not part of a resort hotel or a motel/hotel where food is
12 prepared exclusively for consumption off premises.

13 “Tavern” means an establishment licensed as a tavern pursuant to LVMC Chapter 6.50, whether or
14 not food is served or sold on the premises.

15 “Theater” means a structure which is especially adapted to dramatic, operatic or spectacular
16 presentations, excluding cinema theaters, hotels, nightclubs and restaurants which furnish
17 entertainment in connection with serving food or other refreshments.

18 “Trailer” means a vehicular structure which is built on a chassis or frame, which is designed to be used
19 with or without a permanent foundation and which may be used as living quarters for human beings
20 whether drawn by a motor vehicle or propelled by its own power.

21 “Two-family dwelling” means one or more structures designed for and occupied by two families living
22 independently of each other in separate dwelling units on a single lot. The term includes a duplex.

23 * The following devices and appliances are expressly excluded from the definition of “fixture”:

24 Air-conditioner,

25 Boiler,

26 Coffee urn,

27 Dental unit vacuum extraction,

28 Emergency equipment,

1 Garbage disposal unit,
2 Ice machine,
3 Ice trays,
4 Refrigerator,
5 Soft drink machine, if it has no glass fill feature, water source or drain,
6 Water softener.

7 SECTION 2: Title 14, Chapter 4, Section 30, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

9 SECTION 3: Title 14, Chapter 4, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
11 14.04.030, reading as follows:

12 **14.04.030:** (A) The annual charge rate per ERU for a particular user shall be as set forth below
13 (which includes the five percent assessment fee pursuant to Section 14.04.130):

User	Annual charge per ERU through December 31, 2007
Domestic Strength	\$214.58
High Strength Users:	
Bottlers	\$303.30
Dairies	\$281.22
Restaurants with garbage grinders	\$404.41
Laundries	\$283.64

22 (B) An annual seven dollar surcharge per ERU shall be assessed to a particular user
23 in addition to the charge rate set forth in Subsection (A) of this Section, which shall be due and
24 payable at the same time and under the same terms and conditions as set forth in this Chapter for
25 payment of the charge rate.

26 (C) The Director of Finance and Business Services shall establish a procedure to
27 allow a person who is the owner and occupant of a single family dwelling to apply for a waiver of the
28 payment of future increases in the annual rate charge set forth in Subsection (A) of this Section. Any

1 such waiver shall be available by means of a hardship determination. If a hardship is found, the
2 Director may waive payment by the applicant of the rate increase for one year from the due date of the
3 rate increase, and may renew the waiver annually thereafter.

4 (D) The charge rate per ERU set forth in Subsection (A) of this Section shall be
5 increased by the Director of Finance and Business Services on the first day of January, 2008, and
6 annually thereafter, in an amount equal to the annual charge rate of the preceding fiscal year,
7 multiplied by the lesser of five percent or the average percentage for the preceding five years of
8 increase in the Consumer Price Index for All Urban Consumers for All Items, U.S. City Average
9 (1967=100) that is published by the Bureau of Labor Statistics, United States Department of Labor.

10 SECTION 4: Title 14, Chapter 4, Section 70, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **14.04.070:** (A) The proceeds from the charges imposed and collected under this Chapter,
13 except those charges imposed and collected pursuant to [Section 14.04.130,] Sections 14.04.130 and
14 14.04.030 (B), shall be used solely for the maintenance, operation, improvement, expansion, extension
15 or betterment of the sanitary and storm sewer collection system, treatment facilities and reasonable
16 appurtenances of the City and for the costs of collecting the charges imposed in this Chapter and of
17 administering the rules of this Chapter.

18 (B) The proceeds from the surcharge imposed and collected under Section
19 14.04.030 (B) shall be used in support of the City's financial responsibilities as a member of the Clean
20 Water Coalition.

21 SECTION 5: Title 14, Chapter 4, Section 130, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **14.04.130:** The annual charge rate per ERU set forth in Section 14.04.030 [for the annual periods
24 commencing January 1, 2004 and January 1, 2005,] shall include a five percent assessment for the
25 City's use, improvement and maintenance of its rights-of-way and easements in which the City's
26 sanitary and storm sewer system and treatment facilities are located.

27 SECTION 6: Title 14, Chapter 4, Section 210, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **14.04.210:** Subject to the annual evaluations provided for in Section 14.04.220, [on and after
2 July 1, 1983,] connection fees within the City shall be determined as follows:

3 (A) User's class is determined.

4 (B) According to ERU schedule the number of ERU's for the user is determined.

5 (C) The occupancy fee for sewer connections is calculated by multiplying the
6 number of ERU's [commencing on:

7 (1) July 1, 1993, by one thousand two hundred dollars;

8 (2) January 1, 2004, by one thousand four hundred and forty dollars; and

9 (3) January 1, 2005, by one thousand and six hundred and eighty dollars]

10 by one thousand seven hundred and sixty-six dollars.

11 (D) The occupancy fee for sewer connection set forth in [Paragraph 3 of] Subsection
12 (C) of this Section shall be increased by the Director of [the Department of] Finance and Business
13 Services on the first day of January, [2006,] 2008, and annually thereafter, in an amount equal to the
14 annual charge rate of the preceding fiscal year, multiplied by the lesser of five percent or the average
15 percentage for the preceding five years of increase in the Consumer Price Index for All Urban
16 Consumers for All Items, U.S. City Average (1967=100) that is published by the Bureau of Labor
17 Statistics, United States Department of Labor.

18 SECTION 7: This Ordinance shall become effective October 1, 2007.

19 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
20 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
21 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
22 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
23 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
25 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
26 invalid or ineffective.

27 ...

28 ...

SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, City Clerk

APPROVED AS TO FORM:

Jerry G. Bethis 7-17-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, City Clerk

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